

**REMARKS**

Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow. Upon entry of this amendment, claim 35 is amended and claims 35-62 are pending.

**Rejections Under 35 USC § 112**

The term prodrug has been deleted from claim 35, rendering the rejections for indefiniteness and lack of enablement moot.

Claims 53-58 stand rejected under 35 U.S.C. § 112, first paragraph, because the specification allegedly fails to provide enablement for treating disorders of the central nervous system, damage the central nervous system, cardiovascular disorders, gastrointestinal disorders, diabetes insipidus and sleep apnea. This rejection is respectfully traversed.

Applicants wish to respectfully point out to the Examiner that the PTO has in five US patents already allowed method of treatment claims that except for the compounds, essentially have the same recitations as claims 53-58. These patents are 6,365,598 related to pyrroloquinones, 6,552,062, related to indazoles, 6,380,238, related to indolones, 6,433,175, related to pyrroloindoles, pyridoindoles and azeinoindoles, and 6,706,750 related to indoles. This is evidence that the present specification is enabling for claims 53-58

Moreover, in the outstanding Office Action, the PTO has recognized that the specification provides sufficient information for one of skill in the art to use the claimed compounds to treat obesity. With regard to the remaining disorders recited in the claims, the Office states Action that claims 53-58 are not enabled. In response, Applicants submit that the state of the art had, as of the earliest priority date of the application, established connections between 5HT<sub>2C</sub> and receptors and each of the disorders recited in the claims. To support this position, applicants have, in the table below, noted five journal articles wherein the links between 5HT<sub>2C</sub> receptors and each of the disorders is disclosed. Copies of each of these references have been supplied in an Information Disclosure Statement submitted concurrently herewith.

<b>Disease State</b>	<b>Journal Reference</b>
Depression	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Atypical depression	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Bipolar disorders	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Anxiety disorders	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Obsessive-compulsive disorders	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
social phobias or panic states	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
sleep disorders	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Sexual dysfunction	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Psychoses	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Schizophrenia	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Migraine	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Pain	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
raised intracranial pressure	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Epilepsy	European J. Pharmacol. 369 (1998), 33-40
Personality disorders	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
age-related behavioural disorders	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
behavioural disorders associated with dementia	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
organic mental disorders	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
mental disorders in childhood	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Aggressivity	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
age-related memory disorders	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
chronic fatigue syndrome	Int. J. Fertility and Women's Medicine 42(2)67-72
drug and alcohol addiction	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Obesity	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Bulimia	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
anorexia nervosa	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Premenstrual tension	Int. J. Fertility and Women's Medicine 42(2)67-72
Trauma	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Stroke	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Neurodegenerative diseases	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Encephalitis	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Meningitis	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362
Thrombosis	J. Pharmacol. Exp. Ther. (1997) 280(2) 761-769
sleep apnea	Curr. Opin. Invest. Drugs (April 1993), 2(4):317-362

As evidenced by these journal articles, the links between 5HT<sub>2C</sub> receptors and the disorders recited in the specification were well-established as of the filing of the priority application. It is, therefore, submitted that one skilled in the art would be well aware of the

links between 5HT<sub>2C</sub> receptor activity and the claimed disorders and, further, that the disclosure of compounds having 5HT<sub>2C</sub> affinity would therefore be sufficiently enabling for the skilled person to treat the claimed disorders.

In view of the foregoing remarks, applicants respectfully request reconsideration and withdrawal of the outstanding rejections under 35 U.S.C. § 112, 1<sup>st</sup> paragraph.

#### **Provisional Double Patenting Rejection**

Applicants request the removal the provisional double patent rejection when the claims are otherwise found to be allowable on the merits.

#### **Conclusion**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By 

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